

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION**

NORCAL TEA PARTY PATRIOTS, et al.,)	
ON BEHALF OF THEMSELVES,)	
THEIR MEMBERS, and THE CLASS)	
THEY REPRESENT,)	
)	
Plaintiffs,)	
)	Case No. 1:13-cv-00341
v.)	
)	Judge Michael R. Barrett
THE INTERNAL REVENUE SERVICE, et al.,)	
)	
Defendants.)	
)	

**JOINT MOTION FOR BRIEFING SCHEDULE ON ISSUES
PERTAINING TO SEALING OF COURT FILINGS AND RELATED MATERIALS**

On behalf of the parties and Intervenor Cincinnati Enquirer, the undersigned counsel respectfully submit this joint motion to establish a consolidated briefing schedule regarding: (1) the forthcoming filing by Lois Lerner and Holly Paz designating portions of their deposition transcripts, the Government's summary judgment filings, and Plaintiffs' opposition filings that they request to be sealed and not disclosed to the public, including the reason for such designations; and (2) the Cincinnati Enquirer's Motion to Unseal papers associated with Plaintiffs' opposition to the Government's motion for summary judgment. In support of this Motion, the Parties and the Cincinnati Enquirer state as follows:

1. On July 27, 2017, the Court set October 10, 2017, as the deadline for Lerner and Paz to designate portions of their deposition transcripts, the Government's summary judgment filings, and Plaintiffs' filings in opposition to summary judgment, including providing any authority supporting why those designations should be sealed and not disclosed to the public;

2. On September 27, 2017, Lerner and Paz filed an unopposed motion to extend their time to submit their identification of putatively confidential information until October 24, 2017, or another date after the deadline for the United States' summary judgment reply brief. (Doc. #379).

3. On October 25, 2017, the Government and Plaintiffs filed a joint motion to stay all deadlines in the case to allow briefing to the Court regarding a settlement reached by the parties (Doc. #388). On October 26, 2017, the Court granted the motion (Doc. #390).

4. On October 25, 2017, the Cincinnati Enquirer filed a Motion to Unseal Plaintiffs' sealed Brief and Response to the Government's Statement of Proposed Undisputed Material Facts (Doc. #386).

5. The Parties and Intervenor have conferred and propose the following schedule for resolving the outstanding requests by Lerner and Paz to seal portions of the record from public disclosure:

- a. On or before November 16, 2017: (1) Lerner and Paz submit designations of their deposition transcripts, the Government's summary judgment filings, and Plaintiffs' opposition filings; and (2) Lerner and Paz file their response, if any, to the Cincinnati Enquirer's Motion to Unseal;
- b. On or before November 30, 2017: Plaintiffs respond to Lerner and Paz's filing and the Enquirer's Motion to Unseal.
- c. On or before December 7, 2017: Lerner and Paz file a reply in support of their November 16 filing and designations.
- d. On or before December 14, 2017: The Enquirer files a reply in support of its Motion to Unseal.

6. This proposed schedule will permit Lerner and Paz adequate time to prepare their designations while simultaneously permitting the Parties and the Cincinnati Enquirer to be heard on the requests to seal court filings.

WHEREFORE, Plaintiffs respectfully request that this Court enter an Order establishing the briefing schedule as described herein.

Dated: November 13, 2017

Respectfully submitted,

<p>GRAVES GARRETT, LLC</p> <p><u>/s/ Edward D. Greim</u></p> <p>Edward D. Greim (<i>pro hac vice</i>) Todd P. Graves (<i>pro hac vice</i>) Dane C. Martin (<i>pro hac vice</i>) J. Benton Hurst (<i>pro hac vice</i>) 1100 Main Street, Suite 2700 Kansas City, MO 64105 Telephone: (816) 256-3181 Fax: (816) 256-5958 edgreim@gravesgarrett.com tgraves@gravesgarrett.com dmartin@gravesgarrett.com bhurst@gravesgarrett.com</p> <p>Christopher P. Finney (OH Bar No. 0038998) FINNEY LAW FIRM LLC 2623 Erie Avenue Cincinnati, OH 45208 Telephone: (513) 533-2980 Fax: (513) 533-2990 Chris@finneylawfirm.com</p> <p>David R. Langdon (OH Bar No. 0067046) <i>Trial Attorney</i> LANGDON LAW, LLC 8913 Cincinnati-Dayton Road West Chester, OH 45069 Telephone: (513) 577-7380 Fax: (513) 577-7383</p>	<p>DAVID A. HUBBERT Acting Assistant Attorney General Tax Division</p> <p><u>s/ Joseph A. Sergi</u></p> <p>JOSEPH A. SERGI (DC 480837) Senior Litigation Counsel U.S. Department of Justice, Tax Division 555 4th Street, N.W., JCB 7207 Washington, D.C. 20001 (202) 305-0868; (202) 307-2504 (FAX) Joseph.A.Sergi@usdoj.gov</p> <p>LAURA M. CONNER (VA 40388) STEVEN M. DEAN (DC 1020497) JOSEPH R. GANAHL (MD) JEREMY N. HENDON (OR 982490) Trial Attorneys U.S. Department of Justice, Tax Division 555 4th Street, N.W. Washington, D.C. 20001 (202) 514-2000</p> <p>Of Counsel:</p> <p>BENJAMIN C. GLASSMAN United States Attorney MATTHEW J. HORWITZ (OH 0082381) Assistant United States Attorney 221 East Fourth Street, Suite 400</p>
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<p><u>/s/ John C. Greiner</u> John C. Greiner (0005551) Zoraida M. Vale (0085071) GRAYDON HEAD & RITCHEY LLP 312 Walnut Street, Suite 1800 Cincinnati, OH 45202 Phone: (513) 629-2734 Facsimile: (859) 651-3836 Email: jgreiner@graydon.law</p> <p>ATTORNEYS FOR INTERVENOR THE CINCINNATI ENQUIRER, A DIVISION OF GANNETT GP MEDIA, INC.</p>	<p>Mark Hayden, Trial Attorney (0066162) TAFT STETTINIUS & HOLLISTER LLP 425 Walnut Street, Suite 1800 Cincinnati, Ohio 45202 Telephone: (513) 381-2838 E-mail: mhayden@taftlaw.com -and –</p> <p><u>/s/ Brigida Benitez</u> Brigida Benitez (admitted <i>pro hac vice</i>) Catherine Cockerham (admitted <i>pro hac vice</i>) Marcus A. Gadson (admitted <i>pro hac vice</i>) STEPTOE & JOHNSON LLP 1330 Connecticut Avenue, NW Washington, DC 20036 Telephone: (202) 429-3000 E-mail: bbenitez@steptoe.com E-mail: ccockerham@steptoe.com Email: mgadson@steptoe.com</p> <p><i>Counsel for Former Individual Management Defendants Lois G. Lerner and Holly Paz</i></p>

CERTIFICATE OF SERVICE

I certify that the foregoing *Joint Motion for Briefing Schedule*, was served via ECF on November 13, 2017.

/s/ Edward D. Greim
Attorney for Plaintiffs